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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,718	02/13/2002	George R. Steber	380201.91209	2056
26710	7590	03/10/2004	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			TERESINSKI, JOHN	
		ART UNIT		PAPER NUMBER
				2858

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/076,718	STEBER ET AL.
	Examiner John Teresinski	Art Unit 2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12/1/03.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453-O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 and 26-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 and 26-29 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1; 3-7, 11-16 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,250,893 to Gambill et al. in view of U.S. Patent No. 5,103,165 to Sirattz.

Regarding claims 1,3,4,6,13-16,26,28 and 29, Gambill et al. disclose:

a housing (column 4 lines 9-12);

a display comprising a voltage range indicator and a voltage type to indicate whether the voltage is AC or DC and polarity detector of a DC voltage (column 2 lines 28-34);

a voltage polarity and type detection circuit electrically coupled to the voltage type and polarity indicator (column 2 lines 28-34);

a pair of electrical contact test probes electrically coupled to the voltage polarity and type detection circuit (column 4 lines 9-15);

a voltage range scaling circuit for providing a scaled output signal of the voltage applied between the pair of probes (column 8 lines 61-68); and

a voltage detect circuit electrically coupled to at least one of the pair of electrical testing probes and to the voltage sense indicator for indicating when the electrical test probe has been coupled to a conductor having a voltage impressed thereon (column 4 lines 32-62).

Gambill et al. does not disclose indicating when the electrical test probe has been coupled to a conductor when the other of the pair of electrical testing probes is not contacting any conductor or a non-contact voltage sensor coupled to the voltage detection circuit when a voltage sensor is placed in an electromagnetic field associated with a voltage. Sirattz discloses a hand held non-contact probe including one a single probe non-contact voltage sensor coupled to the voltage detection circuit when a voltage sensor is placed in an electromagnetic field associated with a voltage (column 2 lines 1-7) and that it is well known to use non-contacting and contacting probes for preventing shock to a user (column 1 lines 13-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a single probe non-contact voltage sensor coupled to the voltage detection circuit when a voltage sensor is placed in an electromagnetic field associated with a voltage into Gambill et al. as taught by Sirattz for the purpose of providing a safety feature to prevent shock to the user (column 1 lines 15-30).

Regarding claim 5, Gambill et al. disclose an impedance divider for attenuating an AC voltage impressed between electrical contact probes (column 5 lines 32-67).

Regarding claim 7, Gambill et al. disclose a sleep mode (column 7 lines 22-35).

Regarding claim 11, Gambill et al. disclose a continuity check circuit (column 3 lines 25-27).

Regarding claims 12 and 27, Gambill et al. does not disclose a non-contact voltage sensor located in the housing. Sirattz disclose a non-contact voltage sensor located in the housing (column 1 lines 33-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the non-contact voltage sensor located in the housing as

taught by Sirattz into Gambill et al. for the purpose of providing a protective covering for the sensor.

Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambill et al. and Sirattz as applied to claim 1 above, and further in view of U.S. Patent No. 5,877,618 to Luebke et al..

Regarding claim 2, Gambill et al. as modified does not disclose a switch for selectively activating a non-contact voltage sensor. Luebke et al. disclose a switch for selectively activating a non-contact voltage sensor (column 1 lines 44-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a switch for selectively activating a non-contact voltage sensor as taught by Luebke et al. into Gambill et al. as modified for the purpose of prolonging the battery life of the meter device when not in use.

Regarding claim 10, Gambill et al. as modified does not disclose an acoustic circuit to provide acoustic output. Luebke et al. disclose an acoustic circuit to provide acoustic output (column 4 lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an acoustic circuit to provide acoustic output as taught by Luebke et al. into Gambill et al. as modified for the purpose of simplifying interpretation of a signal output by the sensing device (column 1 lines 49-54).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gambill et al. and Sirattz as applied to claim 1 above, and further in view of U.S. Patent No. 6,265,865 to Engel et al..

Regarding claims 8 and 9, Gambill et al. as modified does not disclose a molded rubberized container or a magnet coupled to the housing. Engel et al. disclose a plastic package for a magnetic field sensing device including a molded rubberized container and a magnet coupled to the housing (column 3 lines 27-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plastic package for a magnetic field sensing device including a molded rubberized container and a magnet coupled to the housing as taught by Engel et al. into Gambill et al. as modified for the purpose of minimizing cost of production (column 4 lines 8-19).

Response to Arguments

Applicant's arguments with respect to claims 1-16 and 26-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Teresinski whose telephone number is (571) 272-2235. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571) 272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system; see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JT

JT

February 26, 2004



N. Le
Supervisory Patent Examiner
Technology Center 2800